

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25648 of 2007

DATED:03-12-2007

BETWEEN:

Ageer Anjaneyulu & 2 others.

..... PETITIONERS

AND

The District Collector,
Mahabubnagar District & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 2nd respondent in entertaining the Revision Petition filed by the 5th respondent under Section 4(B) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act'), as illegal, and arbitrary.

3. It is the case of the petitioners that the petitioners 1 and 2 are the sons; and 3rd petitioner is the wife of one A.Pentaiah who was the original owner of an extent of 3.38 guntas in Sy.No.405 situated at Inmulnarva village, Kothuru mandal, Mahabubnagar District. It appears the grand father of the petitioners donated the said land to the Bhoodhan Board which in turn allotted an extent of Ac.2.00 in favour of one Sharfuddin-father of the 5th respondent herein. It further appears the said Sharfuddin was granted a patta in respect of the said land, but as he was not in possession, on a representation made by the said Pentaiah, the appellate authority-3rd respondent-Revenue Divisional Officer, Mahabubnagar vide proceedings No.B/4098/88, dated 24-11-1988, granted stay directing the Mandal Revenue Officer, Kothuru mandal not to take any further action to hand over the

possession of the said land in favour of the father of the 5th respondent. In the said proceedings it is alleged that the patta certificate granted in favour of the father of the 5th respondent was cancelled on the ground that he was not in possession of the said land and the fact remains that the said land was donated by the original pattadar to the Bhoodhan Board. It appears the 5th respondent herein filed a revision before the 2nd respondent-Joint Collector, Mahabubnagar District on the ground that the land of an extent of Ac.2.00 was assigned in favour of the father of the 5th respondent by the Mandal Revenue Officer, Kothuru in File No.C/6496/83 and possession of the said land was delivered in favour of the 5th respondent and thus there is some dispute among the legal heirs of the original donar and the assignee of the land, and in that connection while entertaining the revision of the 5th respondent, 2nd respondent passed the impugned order in proceedings E1/3/07, dated 20-11-2007, directing the 4th respondent-Tahsildar, Kothuru mandal to take the said land of Ac.2.00 in Sy.No.405 situated in Inmulnarva village into the Government custody pending disposal of the revision before him on the ground that the petitioners may alienate the said land or convert the same into the house sites so as to enable them to sell away to the third parties.

4. I am not inclined to express any opinion with regard to any of the contentions raised by the petitioners as to whether the provisions of the Act apply; and whether the assignee was a landless poor. When once the land was donated it belongs to Government, but however, as a revision is pending before the 2nd respondent, 2nd respondent is directed to consider and dispose of the said revision itself pending in File No.E1/3/07

after giving reasonable opportunity to the petitioners as well as the 4th respondent in accordance with law and pending disposal of the revision *status quo*, obtaining as on today, with regard to possession and nature of the land shall be maintained. It is made clear that if the petitioners are in possession of any residential land they shall be allowed to make use of the same and at the same time, petitioners shall not alienate the same to others.

5. Accordingly, Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

03rd December, 2007.
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